ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES

Annual Report

2003

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Mission Statement

The Ontario Civilian Commission on Police Services is an independent oversight agency committed to serving the public by ensuring that adequate and effective policing services are provided to the community in a fair and accountable manner.

Chair's Message

I am pleased to present the Annual Report for the Ontario Civilian Commission on Police Services for 2003. This has been a year of considerable change.

In February 2003, the Minister of Public Safety, the Honourable Bob Runciman, appointed Sylvia Hudson as Vice Chair, Outreach and Community Information. The position of Vice Chair is responsible for community outreach and was created to better serve Ontario's diverse community with respect to the public complaints process. It was felt that perceptions about accessibility and transparency would improve with enhanced public awareness about the public complaints process and the work of the Commission as the civilian oversight agency responsible for the adequacy and effectiveness of the complaints system.

With a background that includes education as a social worker and work with youth and other individuals at risk, Ms. Hudson brings a strong focus on community issues and social justice. She is a past member of the Toronto Police Services Board and the provincial Social Assistance Review Board. The Vice Chair sees her role as "Building Bridges". In this newly created position, Ms. Hudson was tasked with strengthening relationships between the Commission and has been consulting with representatives of diverse communities: community agencies and groups, adults, young people, government representatives, police officers, police management, other oversight agencies, labour and management, teachers as well as those who are working in civil liberties and rights organizations. Her objective is to prepare a report that outlines helpful solutions that can form the basis of an action plan for positive change.

With input from our stakeholders, the revision of the Commission's Rules of Practice was completed in May 2003. The updated version, which includes clarification of filing requirements and adjudication processes, can be found on our web site.

During November 2003, to ensure the confidence of both the community and the police, Attorney General Michael Bryant announced a review of the public complaints system. The Commission on its own initiative had been examining concrete means by which the public complaints system would be fair, accessible, independent and transparent. We look forward to sharing our thoughts and suggestions at the appropriate stage of the review.

Commission decisions on various adjudicative proceedings held during the year appear on the website at www.occps.ca. There, you will also find the Commission's protocols for *Section 40 Abolition and Reduction Hearings, Budget Hearings* and *Amalgamation Hearings.*

Murray W. Chitra, Chair
Ontario Civilian Commission on Police Services

Role of the Commission

The Ontario Civilian Commission on Police Services is an arm's length, quasi-judicial agency of the Ministry of Community Safety and Correctional Services. The Commission reports to the Minister of Community Safety and Correctional Services.

The mandate and duties of the Commission are set out in the Police Services Act. They are primarily adjudicative in nature and include:

- hearing police officer appeals of disciplinary penalties;
- adjudicating disputes between municipal councils and police service boards involving budget matters;
- conducting hearings into requests for the reduction, abolition, creation or amalgamation of police services;
- conducting investigations and inquiries into the conduct of chiefs of police, police officers and members of police services boards;
- determining the status of police service members;
- conducting reviews of local decisions relating to public complaints at the request of complainants; and,
- general enforcement relating to the adequacy and effectiveness of policing services.

In Ontario, police services and police services boards are ultimately accountable to the public through the Commission.

Summary of Commission Powers

1. Authorization for the reduction or abolition of municipal police services, the amalgamation of police services; the creation of a new police service; alternative methods of providing police services; (sections 5, 6, 40)

2. Conducting inquiries, on its own motion, in respect of a complaint or complaints made about the policies of or services provided by a police force or about the conduct or work performance of a police officer and the disposition of such complaints; intervene at any stage in the complaints process and assign the review or investigation of or hearing into a complaint to another police force; (sections 73(1), 22(e.1))

3. Conducting reviews, at the request of a complainant, or on its own motion into the disposition of complaints; (sections 22(1)(e.1), 71)

4. Making recommendations with respect to the policies of or services provided by a police force and the administration of the public complaints process; (section 22(e.2))

5. Adjudicating disputes between municipal councils and police services boards about the adequacy of annual estimates or budgets; (section 39)

6. Approval of the appointments of First Nations Constables to perform specified duties in designated geographic areas; (section 54)

7. Hearing appeals with respect to disciplinary penalties; original proceedings against a chief of police; appeals from discharge or retirement where disability renders a member incapable of performing essential duties of the position; (sections 47, 65(9), 70)

8. Making determinations in disputes as to whether a person is a member of a police service or a senior officer, approval of creation of more than two categories within a police force for purposes of collective bargaining; (sections 116, 118)

9. Intervening when it finds that a municipal police force is not providing adequate and effective police services; determining whether or not a police services board has flagrantly or repeatedly failed to comply with prescribed standards; making interim orders without notice and without holding a hearing, where an emergency exists; (sections 9, 22, 23, 24)

10. Conducting inquiries into the conduct or performance of duties of a municipal chief of police or police officer, an auxiliary member, special constable or board member, the administration of a municipal police force, the manner in which police services are provided, policing needs; conducting investigations with respect to municipal policing matters; and, at the request of the Lieutenant Governor in Council, inquiring into any matter relating to crime or law enforcement (sections 25, 26).

Commission Organization

In 2003 the Commission had a full-time Chair, a Vice Chair, Complaints and a Vice Chair, Outreach and Community Information. There were eleven part-time members.

Members are normally appointed by Order-in-Council for terms of 3 years. They may be reappointed to serve for a maximum of 2 three-year terms. The men and women who serve on the Commission represent a diverse cross-section of professions and communities across Ontario. There is a small core of administrative, investigative and advisory staff supporting the work of the Commission.

The entire Commission meets in Toronto on the second Monday of each month. Meetings are open to the public, except for those matters that deal with confidential personnel, financial or security issues. Members also participate regularly on panels to review local police service decisions concerning the classification and investigation of public complaints about the conduct of police officers. They also preside at various types of quasi-judicial proceedings.

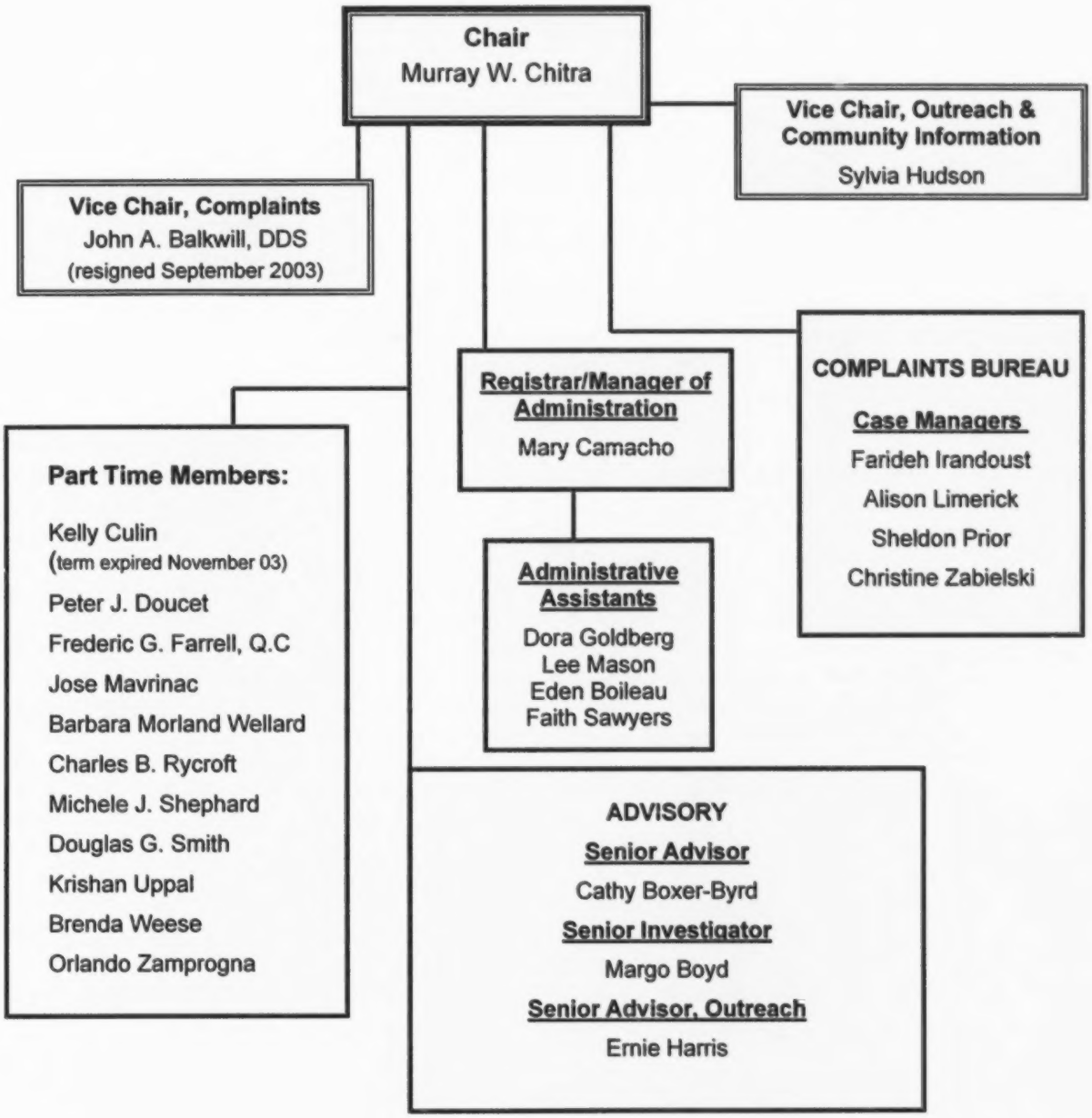
The Commission is structured into three operational units.

1. The Adjudication & Compliance Bureau deals with matters relating to the Commission's adjudicative functions. These include acting as an appellate body for appeals of police officer disciplinary penalties and a variety of activities relating to the compliance of police organizations with the adequacy and effectiveness provisions of the Act.

2. The Complaints Bureau focuses on the discharge of the Commission's mandate with respect to the administration and review of public complaints, as contained in Part V of the Act.

3. Outreach and Community Information informs and educates the public about the role of the Commission and the public complaints process.

Organization Chart – 2003



Commission Budget 2003

The annual budget for the Ontario Civilian Commission on Police Services for the calendar year 2002/2003 was $1,441.700.00

The following is a breakdown of the allocated budget:

ITEM	ALLOCATION ($000)
Salaries & Wages	1,222.5
Employee Benefits	180.4
Transportation & Communications	12.1
Services	19.2
Supplies & Equipment	6.5
Transfer Payments •	1.0
Total	1,441.7

• Statutory Appropriation: Hearings under the *Police Services Act*

Members of the Commission

Murray W. Chitra - Chair

Prior to his appointment to the Chair of the Commission, Mr. Chitra was the Legal Director for the Ontario Insurance Commission (OIC) for four years. As well, Mr. Chitra worked for ten years with the Legal Services Branch of the Ministry of Correctional Services assigned for six years as Legal Director. He was called to the bar in Ontario in 1980. Mr. Chitra is the President of the Society of Ontario Adjudicators and Regulators (SOAR) and a Director of the Council of Canadian Administrative Tribunals (CCAT).

Sylvia Hudson - Vice-Chair, Outreach and Community Information

Sylvia Hudson is a past member and Vice-Chair of the Race Relations Committee of a large city Police Services Board, where she served as Vice-Chair of the Race Relations Committee. Prior to joining the Commission, Ms Hudson was a member of the Social Benefits Tribunal. Her educational background is in social work, public administration and business and community services. She has many years experience working with community agencies serving youth and individuals at risk.

John A. Balkwill, D.D.S. - Vice Chair (resigned September 2003)

Before joining the Commission, Dr. Balkwill practiced dentistry from 1971 – 1999. He served on the Board of Canadian Ports Corporation for nine years and additionally was Chair of Ports Canada Police. Dr. Balkwill is the past President of his region's Rotary Club and was a founding member of his community's Chamber of Commerce.

Ernest (Kelly) E. Culin - Member (term expired November 2003)

Mr. Culin is the District Manager of his region's State Farm Insurance company. He has been recognized as the most successful manager in Canada in the top ten for North America. For 10 years, he served as a member of the Ontario Environmental Assessment Board. Prior to his appointment with the Commission he served as a member and vice chair of his region's Police Services Board

Peter J. Doucet - Member

Mr. Doucet was called to the Ontario Bar in 1984. He is currently the principal of a broadly-based legal practice serving clients from across Northern Ontario and various regions of Canada, the United States and internationally. He is actively involved in the community, but his business and personal interests extend to provincial, national and international issues. Mr. Doucet is fluently bilingual.

Joseph (Joe) Mavrinac - Member

Mr. Mavrinac served for six consecutive terms as Mayor of his community. He was for 15 years a member of his community's police services board, serving 14 years as Chair. Prior to his appointment to the Commission, Mr. Mavrinac was for many years the owner of hotels. He subsequently served six consecutive terms as Mayor of his community. Prior to his appointment to the Commission he spent a two-year term as Chair of the Ontario Realty Corporation. He has served as President of three hotel/motel associations, President of the Association of Municipalities of Ontario and Director of the Federation of Canadian Municipalities.

Barbara Morland Wellard - Member

Ms. Wellard was called to the bar in 1980 and is currently a partner in a law firm located in a Northern community. She served as part-time member of the Board of Inquiry under the authority of the Police Services Act, 1990 and was a founding member and Chair of the Board of a Transition House, which housed and assisted abused women and their children. Ms. Wellard has also been involved with many other community organizations.

Charles B. Rycroft - Member

Mr. Rycroft is a businessman and has been a manufacturer for 28 years. He is a veteran of the Royal Canadian Armoured Corps and the Royal Canadian Air Force, serving from 1943 to 1946 and is past president of the Ontario Regiment Association and his region's Rotary Club. Mr. Rycroft served as Special Investigator and Intelligence/Liaison Officer for the LLBO from 1982 to 1989. He was also a member for two school boards in his community and served as a member of the Guaranty Trust Advisory Board.

Michele J. Shephard - Member

Ms. Shephard is a past member of the Board of Directors, Women's Habitat of Etobicoke, a shelter for abused women and their children. She chaired the Fund Raising Committee for four years and Properties Committee for three years. Ms. Shephard was also a volunteer with the Children's Aid Society of Metropolitan Toronto and has been involved in many community fund raising activities in the Greater Toronto Area. Ms. Shephard is a former member of the Toronto Real Estate Board and since 1974 has been a successful businesswoman.

G. Douglas Smith - Member

Mr. Smith was called to the Bar in 1975. He is the founding member of the law firm of Smith Hardy & Miller. He is a former member of his community's Volunteer Fire Department and also a former member of the Council of the Canadian Bar Association Ontario and is a former Director of the Almaguin Health Services Board.

Krishan D. Uppal, B.A, B.T, MSW - Member

Mr. Uppal studied extensively in India and Europe. He has had a distinguished career in community work and public service. He is the recipient of the Queen's Golden Jubilee Medal, the Governor General's Medal and the Ontario Ministry of Citizenship's Outstanding Achievement Award in recognition of his significant contribution to compatriots, Aboriginal Peoples and to Canada. Mr. Uppal has served on numerous boards and commissions, and, also as President of the India-Canada Association and the National Association of Canadians of Origins in India, Ottawa Chapter. He is retired from the federal Public Service of Canada and lives in Ottawa.

Brenda Weese - Member

Mrs. Weese is a nurse currently working the geriatric field. Her work experience includes nine years in municipal government; eight years as Reeve of her municipality and one year as Warden of a county in Eastern Ontario. Mrs. Weese served on the executive for the Business and Professional Women's Club. She also served two years as chairperson of the Social Service Committee and one year as chairperson of the Waste Management Committee. Mrs. Weese is active in local hospital and Children's Aid Society fundraising and served a two-year term on the area's Children's Aid Society Board of Directors.

Orlando Zamprogna - Member

Mr. Zamprogna is a professional engineer and currently is employed at a University in his municipality. He served 9 years as a member of his city's Police Services Board. He also was a councilor and Deputy Mayor in his community. Mr. Zamprogna has served on many public boards and committees as well as been involved in several charitable organizations.

Report on Outreach and Community Information Activities

One of the main objectives of the Commission's Outreach strategy is to build bridges between the Commission, police services and the diverse community they serve. This is to be done by creating awareness and educating the public about civilian governance and the public complaints process.

In response to the racial profiling debate and the ethno-racial community attempts to find answers about civilian oversight of police, outreach activities for the first three months were concentrated in the Greater Toronto Area (GTA).

Through a series of consultations with members of the ethno-cultural communities during the spring of 2003, the Vice Chair heard the concerns of various ethno-cultural communities as well as representatives of police services. Community representatives discussed the positive aspects of the current oversight system as well as what was needed to make the complaints system function more effectively.

Following the consultations, the Outreach team undertook a series of initiatives to accomplish the Outreach Mandate. An ad hoc Strategic Working Group of Commission members was formed to look at Outreach in the broadest scope and to discuss concrete strategies to promote the work of the Commission and on November 10, 2003 the Commission approved an Outreach Mandate Statement and Strategy.

Meetings were held in the GTA and beyond with over 250 individuals and community leaders representing a broad cross-section of the ethno-cultural communities. The Commission's brochure "Resolving Complaints: Your Guide for Filing Complaints about Police Conduct, Services and Policies in Ontario" was disseminated to police services, municipalities, libraries, legal clinics, social agencies, educational institutions and ethno-cultural groups province-wide. Another pamphlet, "OCCPS: Who We Are and What We Do" was developed and distributed.

Meetings were held with representatives of OAPSB, OACP and members of the Professional Standards Bureaus of several police services. Presentations were made to students pursuing studies in the Police Foundations, Law & Security, Justice Studies and Law programs at the University of Guelph/Humber (Toronto), Centennial College at Warden Woods, Ryerson University, Niagara College and Brock University. We also established contact with the Durham College Justice Centre and the International Education and Development Division at Niagara College.

Several community information forums were held in collaboration with the local police service and community groups. The focus was to increase awareness of the Commission and its role and to solicit from the community ideas about how to make the Commission more widely known. The basis for this initiative is that information sharing through proactive and collaborative activities is one way of building relationships, dispelling misperceptions and breaking down barriers.

Inquiries, Investigations and Fact-Finding Reviews

An inquiry is commenced after the Commission is satisfied that based on a review of the evidence that has been collected through a formal investigation, this is the only remedy available.

Section 25 of the Police Services Act provides that the Commission may, "at the Solicitor General's request, at a municipal council's request, at a board's request or of its own motion, investigate, inquire into and report on:

(a) the conduct or the performance of duties of a police officer, a municipal chief of police, a special constable, a municipal law enforcement officer or a member of a board;

(b) the administration of a municipal police force;

(c) the manner in which police services are provided to a municipality;

(d) the police needs of a municipality.

Initiation of a section 25 inquiry is a serious, resource-intensive process with the potential for negative consequences for members, chiefs of police and police services boards found to be in non-compliance. Consequences can include demotion, dismissal, suspension or revocation of an appointment.

On January 13, 2003, a section 25 hearing was stayed when Mayor Robert Campney, a Board Member from the Quinte West Police Services Board resigned from the Board and the Commission's jurisdiction under the Police Services Act was lost.

There were four (4) section 25 investigations started during the year 2003 and one (1) Fact-Finding Review.

Four of the section 25 investigations involved the conduct of Police Service Board members. The Commission stayed two of the investigations when the involved Board members resigned prior to the conclusion of the investigation resulting in a loss of jurisdiction.

Two investigations resulted in the Commission directing a public hearing where testimony would be sworn and evidence would be called.

A public hearing was directed in Amherstburg concerning Board Member Anne DiCecco, and allegations of abuse of authority. Ms. DiCecco resigned prior to the any evidence being called.

A public hearing was directed in Toronto concerning the conduct of Board Chair Norm Gardner and numerous allegations involving the acquisition of a firearm and several thousand rounds of ammunition. The hearing went ahead as scheduled during 2004.

In 1998 the Commission initiated an innovative approach to addressing those issues that were deemed to be of concern, but not falling within the parameters of a full-scale inquiry – the Fact-Finding review. This approach continues today.

There was one section 25 fact finding conducted into the conduct of a Command Officer employed by a mid size police service. The fact-finding concluded that there was no misconduct.

Section 116 Status Hearings

Municipal police forces in Ontario are composed of "members" who are appointed by local police services boards. Section 2 of the Act defines "members" to include both police officers and civilian employees.

The Act permits members to form associations for the purposes of collective bargaining. Normally, there are two associations. There is an association for officers and civilians and another for senior officers. Under section 115(2) chiefs and deputy chiefs are excluded from this scheme.

From time to time a dispute arises as to whether or not a particular member should be assigned to the local police association or senior officers association. Section 116 of the Act sets out a process to resolve such disagreements. It states:

> 116(1) If there is a dispute as to whether a person is a member of a police force or a senior officer, any affected person may apply to the Commission to hold a hearing and decide the matter.
>
> (2) The Commission's decision is final.

There was one section 116 Status Hearing before the Commission during 2003. The following is a summary of the decision. The official text of the full decisions can be found on the Commission's web site at www.occps.ca or obtained through the Commission office.

Belleville Police Association (Applicant) and the Bellville Police Services Board (Respondent)

Over a number of years the Belleville Police Service (the "Service") has experienced rapid growth. As a result, the need for expertise in the area of information and technology became apparent. To deal with this concern, Constable Roy Kendall was trained as a Microsoft Certified Systems Engineer and was placed in the position of Information Technology Administrator. During his tenure, he was a member of the Association. Subsequently, Constable Kendall was promoted to the rank of sergeant and was transferred to another unit.

It was decided that a civilian should be recruited to fill the vacant position. It was advertised as such. Mr. Stephen Gauthier was the successful candidate. Mr. Gauthier signed a contract on February 13, 2002. His employment commenced February 18, 2002.

The terms of agreement indicated that the position was for 12 months. The job description specified that Mr. Gauthier would take responsibility for directing and managing the broad organizational objectives of the Service's computer services, including additional technical support, the computerized voice and data system, the

new radio communication project and other related initiatives. The job description further indicated that due to the confidential nature of the position, it would be assigned to the Senior Officers' Association.

Issue

The only question in this case is whether Mr. Gauthier was inappropriately placed as a member of the Senior Officers' Association rather than the Belleville Police Association.

Section 114 of the Act provides a definition for "senior officer". It "means a member of a police force who has the rank of inspector or higher or is employed in a supervisory or confidential capacity". It is clear from the evidence that we received Mr. Gauthier does not hold police rank. Further, he does not work in a supervisory capacity. Accordingly, this case turns on the extent to which Mr. Gauthier is employed in a "confidential capacity".

An examination of this description makes it clear that the position in question is essentially a "hands on" technical one. In other words the incumbent is primarily responsible for the day to day maintenance and functioning of the Service's systems. Clearly, in order to accomplish this task it would be necessary to have access to electronic data banks that could contain confidential information. Clearly, this individual had and continues to have access to the same information as Mr. Gauthier. This does not appear to have generated a conflict of interest.

Further, to our mind it makes no difference whether or not the Administrator's function is performed by a uniform officer or civilian employee. Both are employees of the Service. Both have taken an Oath of Confidentiality. Both are subject to discipline if that confidentiality is breached.

Decision

For these reasons we are of the view that Mr. Gauthier should not have been made a member of the Senior Officers' Association. He should have been placed in the Belleville Police Association.

Noteworthy Decisions

Appeals and Judicial Reviews - Ontario Court of Justice

Year	Parties	Outcome
2003	Cst. Juan Blowes-Aybar/Toronto PS	Appeal abandoned
2002	Christine Buehler	Dismissed for delay with costs - 27 May 03
2003	Cst. Robert Coon/Toronto PS	Pending
2003	Cst. Michael Fenwick/Toronto PS	Pending
2003	S/Sgt Kenneth Kyle/York Regional	Pending
2003	David Packer/Toronto PS	Judgment - 2004
2002	Town of Prescott/Prescott PSB	Judgment – 3 Nov 03
2003	Deborah Shaw/Windsor PS	Judgment – 1 Dec 03
2002	Favretto/OPP	2 Dec 03 – Penalty of dismissal reinstated

Police Service Restructuring Hearings (Section 40)

The Commission ensures that no municipal force is abolished unless arrangements have been made to meet the policing needs of the community. Any new arrangement must provide the infrastructure, (i.e. staff, equipment and facilities) to ensure adequate and effective police services. To this end the Commission reviews proposals accepted by Councils and considers all public comments and submissions.

Section 40 of the Police Services Act allows police services boards to terminate the employment of a member of a police force for the purpose of abolishing the force if the Commission consents and if the abolition does not contravene the Act.

When a municipality requests the approval of the Commission for the disbandment of their police service, they must supply the Commission with a copy of a resolution passed by municipal council. The Commission requests a copy of the proposal for the provision of alternative policing services and also ascertains whether severance arrangements have been made with those members whose employment would be terminated if the proposal is accepted.

It is not the Commission's function to judge whether or not what is being proposed is economical or superior to what may already be in place or any other alternative. The Commission's focus is to determine whether the proposed arrangements meet the requirements of the Act. It is not the function of the Commission to determine what constitutes appropriate severance arrangements. That is a matter for bargaining between the parties and, in the absence of agreement, for arbitration.

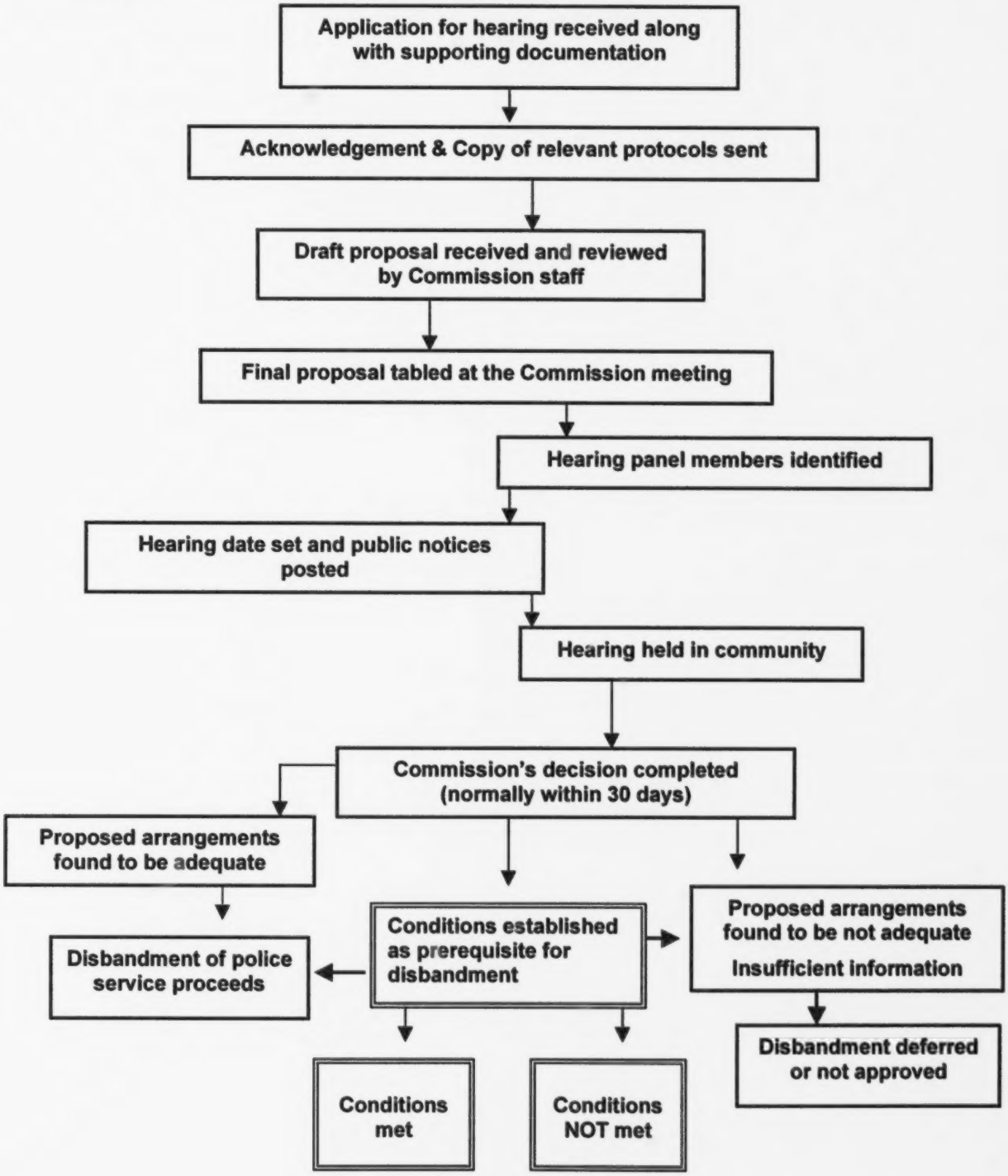
A public meeting is held to hear presentations and receive submissions. Upon the completion of the hearing, the Commission renders a written decision.

There were three hearings into requests for disbandment of a municipal police service in 2003. They were Elliott Lake, Gananoque and South Bruce Grey.

The official text of the full decisions can be found on the Commission's web site at www.occps.ca or obtained through the Commission office.

Police Service Restructuring Hearings Process Summary

The process is generally the same for disbandment, reduction and amalgamation hearings.



Elliot Lake Application for Disbandment

Because of the diminishing population and the loss of an industrial tax base, the City of Elliot Lake has had to significantly reduce the municipal work force and examine the manner in which services are provided to local citizens. Policing has not been exempt from this scrutiny.

Following receipt of the appropriate resolutions and a proposal for the delivery of policing services, the Commission agreed that a public meeting would be convened in Elliot Lake to examine the proposal. Notice of the meeting was published in local newspapers. That meeting was held as scheduled and nine presentations were received. As well we were provided with written submissions and a petition. Since that time we have requested and received additional material from the OPP.

The proposed policing arrangement calls for the full integration of the municipal policing resources from the City of Elliot Lake and the East Algoma Detachment. As well, they would be combined with OPP officers performing certain provincial policing duties. This would mean a proposed supervisor to constable ratio of 1: 5.7 (10 supervisors to 57 constables). They would be supported by five provincially employed clerical staff, four Elliot Lake municipal employees and five volunteer auxiliary officers. The portion of this complement dedicated to municipal policing in the Town would total 18.18 officers.

The Town would have 1.27 dedicated clerical staff. As well, the City has agreed to maintain on their payroll the equivalent of 4 full time positions dedicated to policing. This refers to the employees who currently work for the Service providing community service, court service, seniors' issues and the part-time special constable. The Citizens on Patrol program would continue.

The City would become a separate patrol zone. Officers would be deployed on rotating shifts using a four-platoon roster. Normally, four officers would be scheduled from Elliot Lake Satellite detachment each shift.

A minimum of two officers would be assigned to the City on any shift. At various times of the week and day the number would increase. We have been provided draft shift schedules demonstrating how this would operate. The other zones in the Detachment area would remain unchanged.

A total of 23 uninformed officers and six civilian personnel will work from Elliot Lake. These include one staff sergeant and 3 sergeants (team leaders). These are shared positions. Two of the sergeant (team leaders) would be responsible for the supervision of platoons to be deployed from the Elliot Lake Satellite. The third sergeant would supervise clerical and support staff and volunteer programs.

The remainder would include the 15 dedicated constables noted above and three other constables who would perform provincial policing duties in the areas surrounding the City. There would also be two fulltime clerical support staff (shared) and the four municipal positions identified earlier.

It is proposed that the current police station in Elliot Lake continue to be used as an OPP Satellite Detachment and serve as the operational centre for policing the City. The building would be open to the public during normal business hours (i.e. 8:15 a.m. to 4:30 p.m.). During other times members of the public would be able to use a phone on the outside of the building to directly contact the North East Region OPP Communications Centre in North Bay.

As noted earlier, the station is a recently renovated 10,000 square-foot building. The building has been inspected by the OPP Facilities Branch. Some renovations are proposed.

It is proposed to integrate these resources into a new structure combining the resources of the two services. The resulting ratio will vary depending on whether or not the incorporated municipalities in East Algoma continue to receive the same level of service. We have no reason to doubt that will be the case.

Based on this assumption, the level of municipal policing coverage in the proposed integrated detachment area would represent an officer to citizen ratio of 1:633 (19.99 + 18.18 officers: 24,174 citizens). The City would be allocated a dedicated complement of 18.18 officers. That would mean a ratio of 1:635 (18.18 officers for 11,542 residents). What is proposed would represent a slight enhancement in current policing levels in both the City and surrounding East Algoma Detachment area. Also, it compares very well with other communities in the province.

Decision

Integrating the two resources should permit a more effective distribution of workload. Overall, we are satisfied that what is being proposed should permit a more effective management of workload.

Pursuant to section 40 of the Police Services Act, we consent to the disbandment of the Elliot Lake Police Service.

This approval is subject to the following conditions:

1. All renovations to the police building at 46 Hillside Drive, including computer upgrades, be completed prior to OPP takeover. Notification of this completion shall be sent to the Commission in writing.

2. The OPP provide all uniformed Elliot Lake Police Service officers seeking to transfer to the OPP with unqualified offers of employment.

3. The competition process for the one unfilled civilian position start within 60 days.

4. The contract between the City and OPP clearly provides that the four support positions provided by the City will be exclusively available for policing related duties (community service, court service, seniors issues and special constable) and that the positions will remain in place during the term of the agreement.

5. A service provider for 911 services be selected and a contract for entered into prior to amalgamation.

6. Any severance issues outstanding 90 days following release of this decision proceed forthwith to arbitration.

Gananoque Application for Disbandment

The proposed policing arrangement calls for the full integration of the municipal policing resources of the Town and the Leeds County OPP Detachment. A total of 73 uniform officers and 9 civilian employees would be dedicated to policing both the Town and current Leeds County OPP Town Detachment area. These employees would be supported by 20 auxiliaries.

A portion of this total complement would be dedicated to municipal policing in the Town. This would include 14.02 uniform officers and 1 civilian. The position of inspector and sergeant (team leader) represent the Town's portion of shared Detachment supervision. The sergeant (team leader), twelve constables and one clerical support would be specifically allocated to policing the Town. All serving uniform officers of the Service have been offered employment with the OPP "conditional on these officers meeting the requirements of the Police Services Act". One civilian employee would be offered a full-time position to provide counter, telephone and general clerical duties.

Under the proposal the Town and current Leeds County Detachment area would continue to receive twenty-four hour policing coverage seven days a week. The Town would be a separate patrol zone. Officers would be deployed in rotating twelve-hour shifts using a four-platoon roster. We have been provided with sample shift schedules. We are advised that there would be a minimum of two officers assigned to patrolling the Town at any time.

It is proposed that the new facility in the Township of Elizabeth-Kitley would continue to serve as the administrative centre for the Detachment area and the operations centre for three Townships. The Rideau Lakes Satellite Detachment would continue to serve as the operational facility for the Township of Rideau Lakes and Village of Westport.

The administrative centre and two satellite offices would be open to members of the public during normal business hours. During the evening members of the public will be able to use an outside telephone line with a direct link to the Communications Centre. The three existing Community Policing Offices would also continue. The officers and one civilian staff member dedicated to policing the Town would be relocated to the Gananoque Satellite Detachment.

It was suggested that some renovations would be made to accommodate them. We were advised that there might be some space found by converting the currently unused garage. We have been subsequently advised that no renovations are being planned "given the many deficiencies at the existing facility".

Instead, funds are being sought for the construction of a new 6,000 square foot building to be located in the Town. We were told that no approvals have been given. Further, when and if the funds were to be allocated that it would take between twelve to eighteen months before construction could be completed.

Decision

Section 4(3) sets out that a municipality must provide "all the infrastructure and administration necessary for providing such services, including vehicles, boats, equipment, communication devices, building and supplies".

It is clear from this that one of the key elements of an adequate and effective police service is proper accommodation. This seems self-evident. In order to be effective police officers must have a building from which to work. That building must have the necessary space and facilities (i.e. offices, cells, storage, garage, parking etc...) to permit staff to perform their jobs. It also must be appropriately located. See Town of Goderich (27 October, 1997).

The proposal before us does not meet this requirement. We take no issue with the modern administrative centre in Elizabeth-Kitley or the renovated satellite in Rideau Lakes. Rather, our concern is with the proposed accommodation for officers who would be assigned to police the Town, Leeds and the Thousand Islands and Frontenac Islands.

The initial written proposal that we received indicated that the Town would provide a facility to house the contract policing complement. This was to have been located within the municipality. At the meeting we were advised that the plan had been changed. The idea was now to transfer Service officers and one civilian employee outside of the Town to the OPP Gananoque Satellite Detachment.

That facility is described earlier in this decision. It is acknowledged as being inadequate for the OPP officers and civilians currently assigned to it. We have toured this facility and reviewed the background information submitted on it. There is no doubt in our mind that it currently does not meet adequacy requirements.

At our meeting it was suggested that some renovations could be made to the facility to accommodate the additional Service staff. We have been subsequently advised that no renovations are planned. We were informed that it was felt that there was no point undertaking renovations given that the Detachment will be relocated to the Town at an unspecified date in the future when funds could be secured. To date no commitment of funds has been made.

Further, we were informed that even if funds were committed we are advised that it would take at least a year for any construction to be completed. We are advised that in the interim period arrangements could be made to house Service officers with the other emergency employees at their new location in Town. No details or plans for such interim arrangements were provided.

This is not acceptable. We are not prepared to approve the abolition of the Service in the absence of concrete details that would satisfy us that any contract officers assigned to the Town would have an adequate and effective facility to permit them to perform their policing duties in a manner contemplated by the Act. The same would apply to the OPP officers currently assigned to the Gananoque Satellite Detachment.

For this reason, we cannot consent to the abolition of the Service. Given this, it will not be necessary for us to deal with other aspects of this application.

Obviously, there is a clear and pressing need to deal with the question of accommodation for the officers and staff of the Service who are to lose their present facility at the end of this year. We urge the applicant to focus their efforts on that issue.

South Bruce Grey Application for Disbandment

This is an application by the Town of Hanover ("Hanover") and Municipality of Brockton ("Brockton") for consent to the abolition of the South Bruce-Grey Police Service (the "Service"), for the purpose of having policing in Hanover provided by a municipal police service and in Brockton in an integrated arrangement with the South Bruce Detachment of the Ontario Provincial Police (the "OPP").

For many years the Town of Hanover and the former Town of Walkerton operated their own municipal police services. In September of 1997 both communities decided to amalgamate their policing resources. The Commission had approved creation of the South Bruce-Grey Police Service effective January 1, 1998.

Since that time, the Town of Walkerton has been subsumed in municipal restructuring. On January 1, 1999 the Town of Walkerton was joined with the Townships of Greenock and Brant to become the new Municipality of Brockton.

This created a unique situation. The new Municipality of Brockton ended up with two police providers. This was because the OPP policed the former Townships of Greenock and Brant.
Leaving aside the question of efficiency, it became apparent that this arrangement did not meet the requirements of section 5 of the Act. Essentially, that provision limited a municipality to only one police service provider. As a result, the new municipality was obliged to reconsider its policing situation.

Several Steering Committees were formed and numerous resolutions and proposals considered during a four year period when issues relating to disentanglement were discussed. However, the Commission was not prepared to consider disbanding the Service until it had clear proposals from both Brockton and Hanover. The Commission determined at its regularly scheduled meeting on February 10, 2003 that the matter should proceed. As a result, public meetings were scheduled to formally receive both proposals and obtain public comment.

Hanover

At the present time Hanover is policed by 19 uniform officers, 13 civilian employees and 6 auxiliaries. This represents an officer of citizen ratio of 1:617. Further, given reported criminal offences those officers would have an annual average workload of 56 criminal investigations. This is above the national average.

It is proposed to create a new municipal service to be devoted exclusively to policing the Town of Hanover. That new service would have 13 uniform officers, 10 civilians and 6 auxiliaries. This would represent an officer to citizen ratio of 1: 528. Further, given the reported criminal offences for Hanover this would represent an annual workload of 49 criminal investigations per officer.

Clearly, what is being proposed would provide the citizens of Hanover, in relative terms, with increased policing coverage. Further, the officers assigned to working in that community would have a reduced workload that is more in line with the national average for police officers in Canada.

Brockton

Policing in South Bruce is currently the responsibility of the OPP. The area in question is approximately 2,558 square kilometres in size and is the home to 34,700 residents. This includes two townships that were recently amalgamated with the former Town of Walkerton to create the Municipality of Brockton.

The current Detachment area is policed by 54 uniform officers. Factoring out provincial policing responsibilities, the municipal police officer to citizen ratio for the Detachment is approximately 1:851. Overall, the 54 uniform officers have an annual average workload of 31 criminal investigations each. By national standards this is low.

It is proposed to integrate into this policing arrangement the 6.4 square kilometres and 4,851 residents of the former Town of Walkerton.
The overall Detachment complement would be increased by 10 positions. This would include 7 uniform officers, 2 special constables and a clerical worker.

This would result in a municipal police officer to citizen ratio in the proposed Detachment area of 1:828. It would mean an overall annual average workload of 35 criminal investigations for each officer.

Of this complement a certain portion would be dedicated to policing the new Municipality of Brockton. The proposal is for 13.75 uniform officers and 3 civilian positions. This would represent an officer to citizen ratio for Brockton of 1:702.

Overall, this proposal would result in improved coverage in the expanded Detachment area (from 1:851 to 1:828). The level of coverage in the former Town of Walkerton would be somewhat less (from 1:617 with the Service to 1:702). However, given the proposed single patrol zone for Brockton, the former Townships of Greenock and Brant would certainly benefit from greater police presence.

What is proposed appears to be comparable to other mixed rural and urban communities of similar size.

Decision

We are prepared to consent to the disbandment of the South Bruce-Grey Police Service pursuant to section 40 of the Act. This consent is subject to the following conditions and directions:

1. All proposed internal renovations to the OPP Satellite Detachment building at 1319 Yonge Street, Brockton be completed prior to OPP takeover. Notification of this completion shall be sent to the Commission in writing.

2. The prisoner cells at the OPP Administrative Detachment located at 1281 Highway 21, Kincardine be upgraded to meet adequacy requirements prior to the end of this fiscal year (March 31, 2004). Notification of this completion shall be sent to the Commission in writing.

3. The uniform members of the South Bruce-Grey Police Association make their election on whether to transfer to OPP or remain with the new municipal service within 30 days of this decision.

4. Following this election, the South Bruce-Grey Police Services Board commence the negotiation of severance agreements with its members

and a draft collective agreement for the new municipal police services board.

5. The OPP provide the eight uniform members seeking transfer to the OPP with unqualified offers of employment within 90 days of this decision.

6. The selection process for the civilian clerical worker to transfer to the OPP shall commence forthwith and be concluded in 90 days.

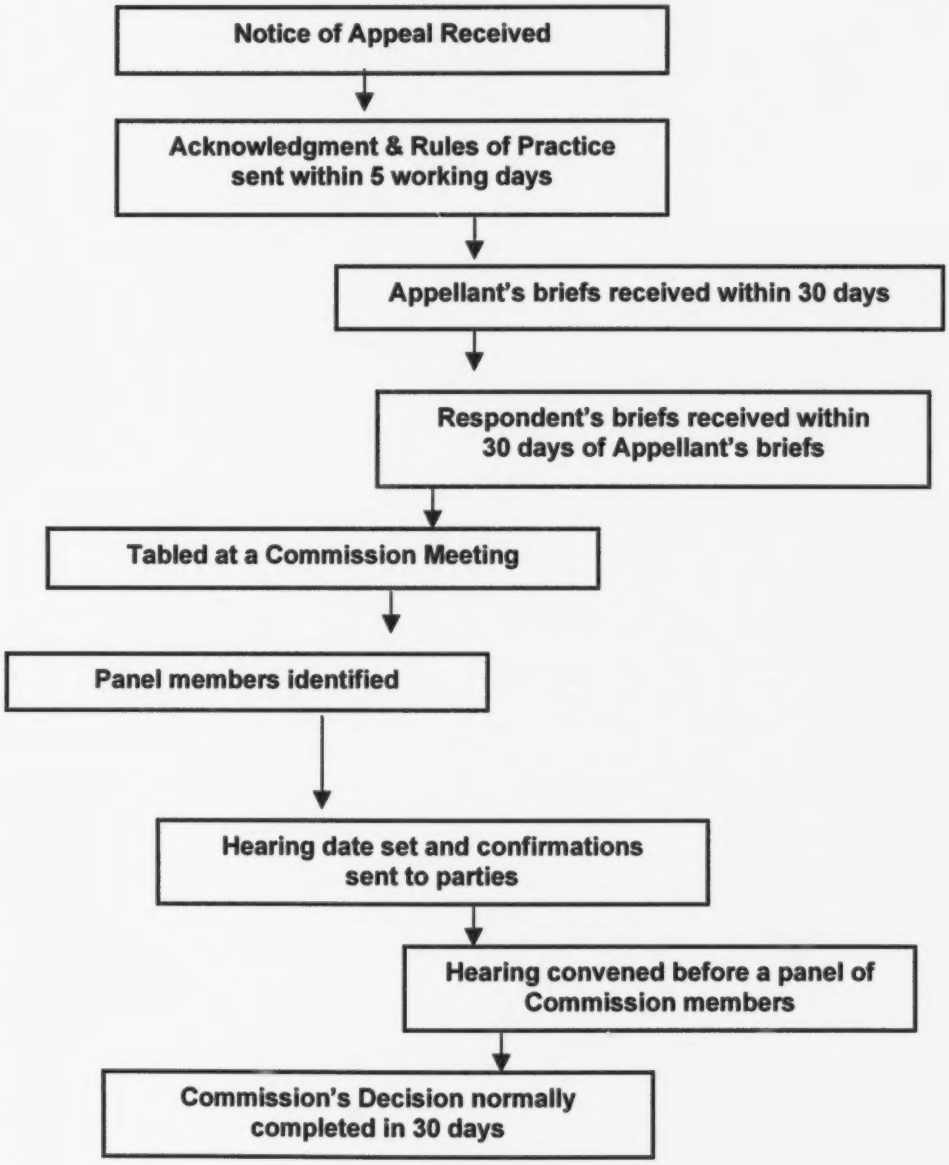
7. Any severance issues that are outstanding within 90 days of this decision proceed forthwith to arbitration.

The proposals, as described above, are to be implemented and are not to be altered without consent in writing from the Commission. Further, we reserve the right to issue further direction to the parties prior to disbandment to ensure that the intent of this decision is met.

Appeals

During 2003, the Commission heard 26 police officer appeals relating to disciplinary penalties. The official text of the full decisions can be found on the Commission's web site at www.occps.ca or obtained through the Commission office.

Appeal Process



Summary of Disciplinary Appeals Decisions - 2003

In 2003, the Commission issued decisions on twenty six disciplinary appeal hearings. The following list identifies the appellant, the police service and the date and outcome of the decision. The official text of the full decisions can be found on the Commission's web site at www.occps.ca or obtained through the Commission office.

Date	Officer/Police Service	Result
January 20, 2003	KINGSLEY Greater Sudbury PS	Appeal Abandoned
January 21, 2003	KRUG Ottawa PS	Appeal denied.
January 29, 2003	GOTTSCHALK Toronto PS	Appeal dismissed.
February 28/03	BLOWES-AYBAR Toronto PS (Appeal #1)	. Appeal of conviction for misconduct allowed.
March 6, 2003	SMITH/MANUEL Toronto PS	Appeal dismissed.
March 7, 2003	BLOWES-AYBAR Toronto PS (Appeal #2)	Appeal dismissed.
March 17, 2003	BROMFIELD Hamilton PS	Appeal allowed findings of guilt set aside.
March 25, 2003	MULHOLLAND Halton RPS	Appeal dismissed.
April 10, 2003	COON Toronto PS	Appeal denied
April 15, 2003	SCHOUTEN Toronto PS Javaid Iqbal	Appeal withdrawn

Date	Officer/Police Service	Result
	(Complainant)	
April 16, 2003	ABBOTT/DENTON Toronto PS vs. Selwyn Peters	Appeal dismissed Charges had not been proved on clear and convincing evidence.
April 23, 2003	ROWE Sault Ste. Marie PS	Appeal against conviction allowed on two counts.
May 1, 2003	MONAGHAN Toronto PS	Appeal from a conviction of discreditable conduct. Penalty reduced to loss of 6 days or 48 hours time.
May 1, 2003	ANDREWS Midland PS	The appeal with respect to penalty allowed. Penalty varied to a reduction in rank status and remuneration to second class constable for a period of two years.
July 3, 2003	GESKE Hamilton PS	Appeal allowed and convictions overturned.
June 6, 2003	GOUGH Peel RPS	Appeal denied
July 8, 2003	BATES Durham RPS	Conviction for discreditable conduct upheld. Appeal dismissed.
August 12, 2003	BLOWES-AYBAR Toronto PS (Appeal #3)	Appeal allowed. Conviction set aside.
August 25, 2003	BRANNAGAN Peel RPS	Conviction for neglect of duty is therefore confirmed.
August 26, 2003	KELLY Durham RPS	Appeal dismissed

Date	Officer/Police Service	Result
	Lance Humphries (Complainant)	
September 3, 2003	GALASSI Hamilton PS	Dismiss the appeal as to sentence on count 3 and uphold the decision of the hearings officer.
Sept. 16, 2003	DINGMAN OPP - Whitby Detachment	Appeal dismissed.
September 17, 2003	BLACKBURN (Wolfe decision) Niagara RPS	. Appeal against finding of guilt as well as penalty for discreditable conduct dismissed.
	KYLE York RPS	Appeal dismissed
	OWENS Niagara RPS	Appeal Abandoned
	LAUKKANEN Thunder Bay PS Donald Shane Bunk (Complainant)	Appeal abandoned.
	26 APPEALS	

Summary of Selected Disciplinary Appeal Decisions - 2003

The official text of the full decisions can be found on the Commission's web site at www.occps.ca or obtained through the Commission office.

Senior Constable Alexander Krug (Appellant) and Ottawa Police Service (Respondent)
Presiding: Barbara Morland Wellard, Member, Orlando Zamprogna, Member
Appearances: Ian Roland, for the Appellant, Lynda A. Bordeleau, for the Respondent

Heard: September 30, 2002
Date of Decision: January 21, 2003

DISCREDITABLE CONDUCT - Disorderly or prejudicial conduct - Appeal against conviction on four counts of discreditable conduct and penalty of dismissal - Allegations of inappropriate touching and comments involving four women over four month period - Allegation in one count not warranting finding of misconduct - Conviction set aside - Conviction on other three counts upheld - Decision of Hearing Officer not otherwise flawed – Dismissal upheld - Appeal against penalty dismissed.

EVIDENCE - Credibility of witnesses - Appeal against penalty and conviction on four counts of discreditable conduct - Inappropriate touching and comments to different women - Test for assessing credibility of witnesses - Appellant's explanation properly rejected as lacking in credibility - Pattern of inappropriate and offensive conduct - Appeal against penalty of dismissal denied.

SENTENCING - Penalties - Dismissal - Conviction on three of four counts of discreditable conduct upheld - Hearing Officer assessed requisite factors in determining penalty - Appellant's actions clearly offensive and disreputable - No acceptance of responsibility - Dismissal within range of permissible penalties - Appeal against penalty denied.

HELD - Conviction on one count set aside. Convictions on other three counts upheld. Appeal against penalty dismissed.

The allegation pertaining to M.M. did not warrant a finding of misconduct. At most the Appellant had pushed M.M. aside to gain access to a filing cabinet; this did not constitute discreditable conduct. Thus this conviction was set aside. However, the Appellant's actions during the other three incidents were clearly disreputable and offensive. Referring to the oft-cited test for assessing the credibility of witnesses in Faryna v. Chorny [1952], 2 D.L.R. 354 (B.C.C.A.), the Commission found that the Hearing Officer's preferences as to credibility were supported by the evidence. The Appellant's explanation with respect to the S.P. incident - that he was merely playing along because he knew she was an undercover officer - was simply not credible.

Senior Constable Krug's actions were inappropriate by any standard, but were particularly "heinous" in the context of a police officer who was supposed to be assisting vulnerable women who were reporting abuse. In terms of sentencing, the Hearing Officer considered the requisite factors. The Appellant accepted no responsibility for his actions, and there were no significant mitigating factors. The testimony of a forensic psychiatrist was compelling with respect to the Appellant's lack of rehabilitative potential and the Hearing Officer was rightly concerned about deterrence. In all the circumstances, dismissal was appropriate and within the permissible range of penalties.

Superintendent Paul Gottschalk (Appellant) and Toronto Police Service (Respondent)
Presiding: Murray W. Chitra, Chair, Joe Mavrinac, Member
Appearances: Harry Black, Q.C. and Joanne Mulcahy, for the Appellant, George Monteith and Carrie Kitchura, for the Respondent

Heard: December 10, 2002
Date of Decision: January 29, 2003

NEGLECT OF DUTY - Failure to perform duties - Appellant in charge of unit - One member of unit murdered while on duty - Appellant failed to investigate allegations that other members of unit not where they should have been at relevant times - Issue for Hearing Officer one of credibility - Decision of Hearing Officer not void of evidentiary foundation - Reprimand least severe penalty available - Appeal dismissed.

NEGLECT OF DUTY - Essential ingredients - Failure to investigate allegations of misconduct on part of officers supervised by Appellant - Two-part test for finding of neglect of duty - In addition, must be element of wilfulness or neglect in such degree as to cross line from performance issue to misconduct - Allegations in this case serious and tragic - Failure to take action crossing line from performance issue to misconduct - Conviction and penalty upheld - Appeal dismissed.

EVIDENCE - Credibility of witnesses - Charge of neglect of duty - Hearing Officer faced with task of deciding which version of witnesses' testimony most truthful - Findings of credibility not based solely on assessment of demeanour - Hearing Officer's conclusions not void of evidentiary foundation - Appeal dismissed.

HELD - Conviction and penalty upheld; appeal dismissed.

The two key components of the offence of neglect of duty were 1) failure to perform a duty that the member was required to perform, 2) without lawful excuse. In order to cross the line from a performance issue to misconduct, it was necessary to show either an element of wilfulness, or a degree of negligence that went beyond mere inadvertence or honest mistake.

Assuming Mrs. H. gave the information to the Appellant as she claimed, then he clearly had a duty to take some action, by way of investigating the allegation or reporting it to his superiors. Given the nature of the information, the defence of inadvertence or honest mistake wasn't available. On the question of whether in fact Mrs. H. did pass on her concerns as she testified, the Hearing Officer, faced with the task of choosing between two versions of a lunch conversation to which there were no other witnesses, preferred the evidence of Mrs. H., as being most truthful. In doing so, he apparently relied not only on her demeanour, but also on the fact that her testimony was consistent with prior statements she had made, her testimony was unshaken during cross-examination, and it was consistent with notes she made following the luncheon. Thus it could not be said that the Hearing Officer's conclusions were void of evidentiary foundation. Nor was there any improper reversal of onus. As for penalty, there was no basis for reducing it in this case, since a reprimand was the lightest penalty available.

Constable Juan Blowes-Aybar (Appellant) and Toronto Police Service (Respondent)

Presiding: Peter Doucet, Member, Frederic Farrell, Q.C., Member
Appearances: Harry Black, Q.C., for the Appellant, Darragh Meagher, for the Respondent

Heard: February 24, 2003
Date of Decision: March 7, 2003

UNLAWFUL OR UNNECESSARY ARREST - Appellant stopped cyclist for Highway Traffic Act infractions - Appellant unlawfully or unnecessarily arrested cyclist for intoxication - Conclusions of Hearing Officer not void of evidentiary foundation - Penalty reduced - Appeal allowed in part.

HEARING OFFICERS - Reviewable errors - Twelve day suspension imposed for offence of unlawful or unnecessary arrest - Hearing Officer improperly considered disciplinary matters which post-dated offence in question - Fundamental errors in principle and law - Penalty reduced to four day suspension - Appeal allowed in part.

HEARING OFFICERS - Bias - Hearing Officer accepted position at Commission - Hearing Officer working in staff complaints capacity for Commission - No connection with appeals - Appointment not raising reasonable apprehension of bias.

BIAS - Hearing Officer accepted position with Commission in staff complaints capacity - Commission's hearing of appeal from decision adjudicated by Hearing Officer not raising reasonable apprehension of bias on part of either Hearing Officer or Commission tribunal.

HELD - Conviction upheld; penalty reduced. Appeal allowed in part.

Referring to the test for reasonable apprehension of bias, the Commission held that the Hearing Officer's appointment to OCCPS didn't give rise to any apprehension of bias, either on the part of the Hearing Officer or on the part of the Commission. Her work for the Commission involved no part whatsoever in appeals, either this or any other.

On the merits, the tribunal observed that appellate interference with evidentiary findings ought to be exercised sparingly, as contemplated by the applicable test: "void of evidentiary foundation" (per Williams decision). In this case the Hearing Officer reached her conclusions after a thorough analysis of the evidence. Her factual determinations were supported by an evidentiary foundation.

On the issue of penalty, however, the Hearing Officer made fundamental errors in principle and law. She relied on "antecedents" which weren't in fact antecedents, in that the disciplinary matters in 1999 and 2000 post-dated the Appellant's 1997 offence. The twelve day suspension thus reflected an improper application of progressive discipline, and some reduction in penalty was warranted on that ground. A reprimand was insufficient to address the seriousness of the offence, as well as the other factors typically considered in sentencing. The penalty was reduced to a four day suspension.

Staff Sergeant Kenneth Kyle (Appellant) and York Regional Police Service (Respondent)

Presiding: Murray W. Chitra, Chair, E.E. Kelly Culin, Member
Appearances: Harry G. Black, Q.C., for the Appellant, Elizabeth Cowie, for the Respondent

Heard: January 6, 2003
Date of Decision: March 11, 2003

SENTENCING - Penalties - Demotion - Meaning of "demotion" pursuant to s. 68(1) of Police Services Act - Requirement to "specify" "manner and period of the demotion" - "Period" given wider meaning than fixed number of days or months - Length of demotion may be measured in relation to specific events or occurrences - Requirement that Appellant enter promotional process at end of demotion not representing illegal penalty - Appeal dismissed.

DISCREDITABLE CONDUCT - Criminal offences - Appellant convicted of impaired operation of motor vehicle and assault - Offences compounded by verbal abuse and racial slurs - Appellant's conduct discreditable - Addition of requirement that Appellant compete for promotion following one-year demotion not representing harsh or excessive penalty - Appeal dismissed.

HELD - Appeal dismissed.

On a plain and purposeful reading of the words of s. 68(1)(c), "period" denoted some portion of time, which could be measured either in units of time or in relation to specific events or occurrences. Having regard to the legislative scheme as a whole, and in particular to the purposes of a demotion as set out in the caselaw involving police officers, there was nothing illegal about the penalty imposed in this case. Nor was the penalty rendered harsh or excessive by reason of the condition that the Appellant must compete for promotion after serving the agreed upon demotion. The Appellant was convicted of two criminal offences, and his misconduct was compounded by verbal abuse of Mr. H. and racial slurs. His conduct was discreditable, the more so given his senior rank and length of service. The Hearing Officer identified the various mitigating factors, such as S./Sgt. Kyle's guilty pleas, acknowledgement of responsibility, apology to the victim, as well as evidence of the Appellant's efforts to overcome his problems and letters of support. In the absence of any manifest errors, or any improper or unreasonable consideration of factors, there were no grounds for interfering with the result.

Constable Wendy Bromfield (Appellant) and Hamilton Police Service (Respondent)

Presiding: Michele J. Shephard, Member, Orlando Zamprogna, Member
Appearances: Brad Boyce, for the Appellant, Brian Duxbury, for the Respondent

Heard: January 23, 2003
Date of Decision: March 17, 2003

EVIDENCE - Standard of proof - Appellant convicted on two charges of neglect of duty - No direct evidence linking Appellant to incident in question - Clear and convincing evidence of misconduct not established - Appeal allowed.

NEGLECT OF DUTY - Appellant convicted on two charges of neglect of duty - Appellant allegedly failed to make notes and records of contact with complainant and failed to provide "quality service" - No direct evidence linking Appellant to incident in question - Standard of proof not met - Appeal allowed.

HELD - Appeal allowed.

Notwithstanding the constraints inherent in the Commission's scope of review, in this case the Hearing Officer's conclusions could not be allowed to stand. As pointed out by the agent for the Appellant, the prosecutor had to prove that the Appellant was working on the shift in question, was involved in the call, was assigned to investigate the call, that there was in fact a complainant, with whom the Appellant had a discussion. None of these matters had been proved in evidence, nor had they been dealt with by the Hearing Officer. The result was that there was no direct evidence linking the Appellant to the incident. Clear and convincing evidence of misconduct had not been established.

Constable Robert Coon (Appellant) and Toronto Police Service (Respondent)

Presiding: Dr. John A. Balkwill, Vice-Chair, Barbara Morland Wellard, Member
Appearances: Harry Black, Q.C. and Ms. J. Mulcahy, for the Appellant, George Monteith, for the Respondent

Heard: November 15, 2002, January 29 and 30, 2003
Date of Decision: April 10, 2003

INSUBORDINATION - Disobedience of orders - Appellant convicted of four counts of insubordination in relation to improper use of CPIC system for personal purposes - Appellant used system to do checks on former spouse - Concurrent charges of corrupt practice, neglect of duty and discreditable conduct - Seriousness of offences and past record outweighing mitigating factors - Convictions upheld - Penalty of dismissal upheld - Appeal dismissed.

NEGLECT OF DUTY - Appellant failed to report or take any action with respect to former spouse's violation of bail conditions - Concurrent charges of insubordination, discreditable conduct and corrupt practice - Convictions and penalty upheld - Appeal dismissed.

DISCREDITABLE CONDUCT - Appellant contacted parole services and requested information concerning former spouse - No attempt to indicate request made as citizen rather than police officer - Conduct damaging to force's reputation with parole services - Concurrent charges of insubordination, neglect of duty and corrupt practice - Convictions and penalty upheld - Appeal dismissed.

CORRUPT PRACTICE - Improper use of position for private advantage - Appellant obtained information about former spouse from London Police Service by showing his badge - Information for personal use, not police business - Concurrent charges of insubordination, neglect of duty and discreditable conduct - Appeal dismissed.

SENTENCING - Penalties - Dismissal - Appellant convicted on 7 counts involving insubordination, neglect of duty, discreditable conduct and corrupt practice - Mitigating factors of lengthy service, positive accolades and economic hardship insufficient to outweigh seriousness of offences, number of charges and past disciplinary record - Failure to acknowledge inappropriateness of conduct - Reduction in penalty not warranted - Appeal dismissed.

HELD - Convictions and penalty upheld; appeal dismissed.

Ideally transcripts should be complete and accurate. In this case, although portions of the tape had been inaudible, the Commission was able to fully determine the matter based on the transcripts and arguments. Any deficiencies were not of such magnitude as to render the hearing null and void.

On the facts, and in view of the Appellant's admissions, it was clear that the Hearing Officer's decision was not without evidentiary foundation. On the issue of penalty, the Hearing Officer did weigh the various mitigating and aggravating factors. Misuse of CPIC was considered by the Commission to be major misconduct. The other offences were also serious. Despite numerous accolades from fellow officers, the Appellant's lengthy service, the economic hardship occasioned by dismissal and his obvious concern for his children, the Commission found that the penalty should not be disturbed. The Hearing Officer properly balanced these mitigating factors against the seriousness of the offences, the number of charges, the Appellant's past disciplinary record, and the need for deterrence. Moreover, at the end of the day the Commission was not satisfied that the Appellant truly believed that he had acted inappropriately, which raised the possibility that if reinstated he might use the CPIC system again for his personal use.

Sergeant Greg Andrews (Appellant) and Midland Police Service (Respondent)

Presiding: Frederic G. Farrell, Q.C., Member, Orlando Zamprogna, Member
Appearances: Harry G. Black, Q.C., for the Appellant, Steven M. Boorne, for the Respondent

Heard: November 12, 2002
Date of Decision: May 1, 2003

NEGLECT OF DUTY - Failure to perform duties - Failure to conduct investigation - Appellant attended at local bar after call from off-duty officer - Another off-duty officer involved in altercation with civilian - Appellant failed to conduct investigation and failed to ensure that subordinate officer who accompanied him conducted an investigation - Convictions on four counts of neglect of duty and one count of deceit upheld - Penalty reduced - Appeal partially allowed.

NEGLECT OF DUTY - Work records - Failure to make entries - Appellant responded to call from off-duty officer - Appellant guilty of neglect of duty by failing to conduct investigation, failing to submit incident report and make notes, and failing to ensure proper conduct of subordinate officer who accompanied him - Convictions for neglect of duty and deceit upheld - Penalty reduced - Appeal partially allowed.

DECEIT - False statements - Appellant gave false, inaccurate or misleading statement to officer assigned to conduct criminal investigation into altercation at local bar involving off-duty officer and civilian - Convictions on charges of neglect of duty and deceit upheld - Penalty reduced - Appeal partially allowed.

SENTENCING - Penalties - Demotion - Appellant argued Hearing Officer imposed illegal penalty in that indefinite demotion was contrary to s. 68(1)(c) of Police Services Act - Period of reduction in rank was specified - Requirement that Appellant apply for former rank after serving minimum period was in accordance with

statutory direction to specify "manner" and period of demotion - Penalty not unlawful - Penalty not appropriate in that rehabilitation factor given insufficient weight - Appeal partially allowed.

SENTENCING - Rehabilitation - Hearing Officer imposed demotion of several years' duration - Unblemished, lengthy service record - Positive evaluation and character reports - Mitigating factors given insufficient weight, particularly principles of rehabilitation - Demotion reduced - Appeal partially allowed.

HELD - Convictions upheld; penalty reduced. Appeal allowed in part.

The Commission members listened to the tape, and heard substantially what the Hearing Officer heard. They affirmed the Hearing Officer's conclusions about the contents of Sgt. Andrews' conversation. At the disciplinary hearing, the Hearing Officer found Cst. Gregg's testimony not believable, and Sgt. Andrews' responses vague and evasive. The Hearing Officer's preference for the testimony of the civilian witnesses was reasonable, as were the conclusions that he drew from the evidence.

The Commission found that the penalty was not illegal, or contrary to s. 68(1)(c) of the Act. The requirement to apply for promotion back to his former rank after serving a minimum period in a reduced rank was in accordance with the statutory direction to specify the "period" and "manner" of demotion. However, the penalty was not appropriate, notwithstanding the serious nature of the Appellant's misconduct. That misconduct consisted of not simply his own failure to investigate an incident which he clearly had a duty to investigate, but also his encouragement of Cst. Gregg to refrain from investigating and reporting the incident, compounded by his false, misleading or inaccurate statement to Sgt. Osborne. Nevertheless, rehabilitation was a key factor in sentencing, especially in a case such as this where the Appellant had such lengthy and exemplary service. Demotion was the appropriate penalty in this case, but not to the degree or extent imposed by the Hearing Officer. This demotion was scheduled to last years, and meant that the Appellant had little hope of returning to his rank before retirement. The Hearing Officer failed to give sufficient weight to the principles of rehabilitation as well as the numerous mitigating factors. Looking at comparator cases, the Commission varied the penalty to a reduction in rank to 2nd class constable for 2 years, with progression thereafter to 1st class constable in accordance with Reg.929. The Appellant would be permitted to enter the promotional process for the rank of sergeant thereafter, and would be required to rewrite the qualifying exam.

Lance Humphries (Appellant) and Constable Bruce Kelly and Durham Regional Police Service (Respondents)

Presiding: Murray W. Chitra, Chair, Peter Doucet, Member
Appearances: Lance Humphries, Appellant, William R. MacKenzie, for Constable Kelly, Staff Inspector Brian Fazackerley, for Durham Regional Police Service

Heard: July 2, 2003
Date of Decision: August 26, 2003

NEGLECT OF DUTY - Failure to perform duties - Appeal of decision finding Cst. Kelly not guilty of neglect of duty - Constable Kelly said to have failed to perform thorough and impartial investigation into domestic assault allegedly committed by Appellant - Hearing Officer found Cst. Kelly's exercise of discretion did not give rise to clear and convincing evidence of neglect of duty - No manifest error in Hearing Officer's conclusion - Appeal dismissed.

BIAS - Constable Kelly found not guilty of neglect of duty - Constable Kelly had prior social relationship with common law spouse of Appellant's ex-wife - Hearing Officer found reasonable apprehension of bias did not exist - Constable Kelly displayed arguable lack of prudence in not removing himself from investigation - However, within purview of Hearing Officer to decide that such lack of prudence did not meet level of proof required to establish misconduct - Appeal dismissed.

EVIDENCE - Fresh evidence - Appellant sought to adduce tapes of conversations - Tapes tendered at disciplinary hearing - Hearing Officer found tapes not relevant and declined to receive them - Tapes not constituting "new or additional evidence" pursuant to s. 70(5) of Police Services Act - Tapes not meeting criteria in *R. v. Palmer* - Motion denied.

HELD - Preliminary motion dismissed. Appeal dismissed.

Since the tapes had been tendered, and not admitted, at the original disciplinary hearing, they did not constitute "new or additional evidence" (per s. 70(5) of the Act). Moreover, they did not meet the criteria for the admission of fresh evidence, as articulated in the Supreme Court of Canada's decision, *R. v. Palmer*.

Constable Kelly was charged with failing to conduct a thorough and impartial investigation. The offence of neglect of duty involved three elements: the existence of a duty, the failure to perform that duty in a prompt and diligent manner, and, to avoid discipline, the existence of a lawful excuse (p. 9). Further, the duties of a police officer required the performance of duties "impartially" (per s. 42(1) of the Act, and the Oath of Office). The service's policy on domestic violence investigations contemplated a high level of "diligence", and the duty to "arrest and charge the suspect...where reasonable grounds exist and the suspect is present." In these respects, the policy reflected standards promulgated by the Ministry. The standards contemplated, for instance, that chiefs and boards would ensure that domestic violence calls receive priority; also that audio or video taped statements be obtained where available, practical and appropriate.

The Hearing Officer found that Cst. Kelly conformed to these standards and policies. In the Commission's view, there would have been value in securing complete statements (particularly the nanny's) before acting (arresting the Appellant).

However, the Hearing Officer's finding on this point did not give rise to a manifest error, having due regard for the existing policy, the lack of evidence as to when Cst. Kelly reviewed the nanny's statement, and the necessity for police officers to exercise a degree of discretion and judgment, depending on the circumstances.

The Hearing Officer found that Cst. Kelly's acquaintance with O did not give rise to a reasonable apprehension of bias. The role of the Commission was not to second guess the Hearing Officer. Given the latter's finding on the relationship issue, the absence of a clear policy on off-duty relationships and conflicts of interest, as well as Cst. Kelly's disclosure of the relationship to Sgt. Andrews, the Commission would not disturb that finding. While it might have been prudent for Cst. Kelly to remove himself from the investigation, it was within the purview of the Hearing Officer to conclude that such lack of prudence, if any, did not "rise to the level of proof required to establish misconduct" (p. 14).

Constable Craig Galassi (Appellant) and Hamilton Police Service (Respondent)

Presiding: Peter J. Doucet, Member, Frederic G. Farrell, Member, Michele J. Shephard, Member
Appearances: Irwin Koziebrocki, for the Appellant, Steven M. Boorne, for the Respondent

Heard: August 19, 2003
Date of Decision: September 3, 2003

DISCREDITABLE CONDUCT - Criminal offences - Appellant pled guilty to careless handling of a firearm - Nine separate incidents - Serious misconduct - Appellant's actions wilful and unprovoked - Appellant ordered to resign within 7 days or be dismissed - No manifest error in principle - Penalty within range available for incidents of "gunplay" - Appeal against penalty dismissed.

DISCREDITABLE CONDUCT - Disorderly or prejudicial conduct - Appellant showed scrotum piercing ring to fellow officer - Incident occurred on duty, in uniform, within police station - No manifest error in conclusion that Appellant's actions likely to bring discredit upon reputation of service - Appeal against conviction dismissed.

DISCREDITABLE CONDUCT - Disorderly or prejudicial conduct - Appellant placed dead cat on hood of fellow officer's car - Parties involved reached informal resolution - Resolution endorsed by superior officers - Process complied with service's internal policies - Hearing Officer made manifest error when he concluded matter not informally resolved - Appeal against conviction allowed.

HELD - Appeal against first conviction dismissed. Appeal against second conviction upheld. Appeal against penalty with respect to third count dismissed.

Concerning the first count, the Hearing Officer's conclusions were not void of evidentiary foundation. The incident occurred on duty, while the Appellant was in uniform and in the police station. The conclusion that this conduct was likely to bring discredit upon the force contained no manifest error in principle.

However, the matter underlying the second count had been informally resolved, the resolution was endorsed by two acting sergeants, and the process utilized conformed to internal service policies. The Hearing Officer erred when he found the matter was not informally resolved.

The Commission's role with respect to penalty, as with convictions, was not to second guess the Hearing Officer. Having found the Hearing Officer exercised his function properly in assessing penalty, the Commission's role was limited to determining whether the decision contained a manifest error in principle, or whether the penalty was within the acceptable range. The central question was whether the Appellant could be rehabilitated. The incidents underlying the third count were serious, repetitive, wilful and unprovoked. The Hearing Officer's assessment of penalty contained no errors in principle, nor was the penalty outside the acceptable range: comparator cases revealed that dismissal could be imposed for even one isolated incident of gunplay.

PUBLIC COMPLAINTS

Part V of the Police Services Act mandates the Commission as the review body for public complaint decisions made by chiefs of police and the Commissioner of the Ontario Provincial Police.

Complaints may be made about the conduct of a police officer (including the chief of police or Commissioner), the policies of a police service or the services provided by a police service. Only the individual directly affected can file a complaint and the complaint must be in writing and signed.

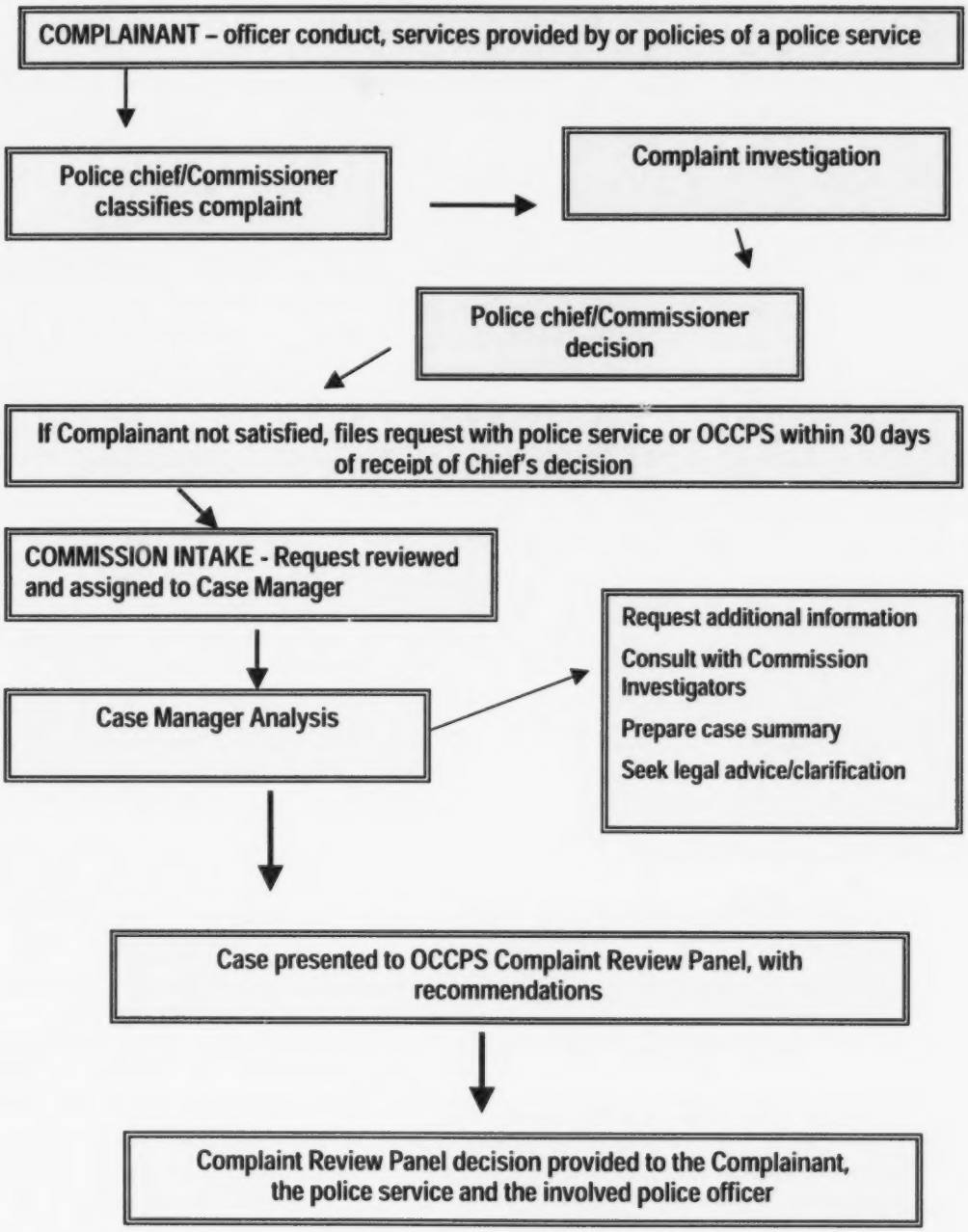
If the individual involved is not satisfied with the decision of the chief or Commissioner of the Ontario Provincial Police, the complainant has 30 days to write to the Ontario Civilian Commission on Police Service and request a review. To conduct the review, the Commission requests information from the complainant as well as the investigation file from the involved police service. Case Managers analyze each file and prepare a written case summary that is presented to a Review Panel composed of Commission members.

On review, the Commission may confirm the decision of the chief or they may vary the decision. The Review Panel may vary the decision to less serious misconduct, direct a public hearing or return the file to the involved police service or another police service for further investigation.

In 2003, there were 2,845 public complaints made against sworn police officers or their police services in Ontario. This represents a slight increase of 17 complaints over 2002. During 2003, the Commission received 488 requests for review, an increase of 22 over the previous year.

An overview of the complaints review process, a statistical summary of public complaints from 1998 to 2003 and samples of complaint review case summaries are contained on the following pages.

Overview of Public Complaints Process



PUBLIC COMPLAINTS AGAINST POLICE OFFICERS IN ONTARIO +
1998 – 2003

1998	2,538
1999	2,665
2000	2,753
2001	2,805
2002	2,829
2003	2,845

+ Source: Police Service Board Reports

REVIEWS REQUESTED BY COMPLAINANTS **
1998 – 2003

1998	472
1999	420
2000	445
2001	491
2002	466
2003	488

*** Source: Ontario Civilian Commission on Police Services*

Summary of Selected Public Complaints Reviews

Excessive Use of Force

The complainant was arrested in his rented room. The complainant alleged that the police searched his room and they slapped him. While at the police station he was forced to walk in front of several officers, including one female and they made inappropriate comments to him. He stated he was sexually harassed, specifically, after being searched.

It is alleged that the complainant may have been involved in some break and enters He was charged with numerous offences including Possession Under, Weapons Charges, and Fail to Comply. After he filed the complaint, the police service closed this file as over 6 months – 1 day over.

In his submissions, the complainant explained that after he was arrested on September 6, 2002, he was placed in a Detention Centre, where he notified the Office of Child and Family Service Advocacy (OCFSA) about his complaint. However, he was concerned about what would happen if he filed a complaint due to the fact that he was still in court. Some time in January, the complainant approached the OCFSA, this time to file his complaint. They did not process it until February 14, 2003. The complaint did not reach the police until March 7th 2003, one day over the six month time limitation.

The complainant requested a review of the police service decision not to process his complaint. He provided his reasons explaining the delay, as did the OCFSA, whose letter verified that part of the filing delay was their fault.

Decision: The panel allowed the review, and returned the file to the police service to be investigated. The complainant signed a withdrawal of his complaint on August 5, 2003. Subsequently, he wrote to our office in August 26, 2003, noting that while he did sign the withdrawal, he was led to believe he had no other choice.

The Commission advised the complainant that since he entered into an "informal resolution" withdrawing the complaint, the Commission had no jurisdiction.

Inappropriate Use of Police Information Systems

A police officer's daughter asked to stay overnight at the home of a girlfriend. A police investigation determined that the officer used CPIC and an internal police records system to conduct a background check on the parents. One of the parents had a criminal record and the officer was concerned for his daughter and would not allow to stay overnight at the girlfriend's home. The officer's daughter told her girlfriend that she could not stay over and may have indicated the reason was the

girlfriend's parent had a criminal record. This information was discussed amongst the girlfriend, the officer's daughter and their friends. When the girlfriend went home and the officer's daughter was not with her, she informed her parents of the reason.

The police service determined that there was misconduct of a minor nature.

The parents requested a review and provided comments. They did not feel the proposed penalty was sufficient. On review, the Commission Panel determined that this was misconduct of a serious nature and referred the matter back to the police service for a hearing.

Decision: The police service held the hearing and the officer pled guilty. All parties made submissions and the penalty agreed on was three days forfeiture of days off. The officer apologized in writing and personally to the complainant and gave a written apology to her family.

Off-Duty Officer Alleged to Have Received Special Treatment

On a summer day, while riding his bicycle on the highway, the complainants' 14 year-old child was struck by a motor vehicle operated by an off-duty police officer. The teen sustained injuries and was hospitalized for several weeks.

Prior to preserving any physical evidence and requesting a Technical Traffic Collision Investigator and a Forensic Identification Officer attend, the first officer on the scene of the accident allowed the off-duty officer to leave the scene in the vehicle involved in the accident. In addition, when the Sergeant assigned to the case encountered the off-duty officer (shortly after the accident occurred), he did not take a statement nor did he secure the vehicle involved in the accident. Instead, the off-duty officer was instructed to go home and wait to be contacted in a day or two to provide a statement.

The complainants allege that the collision scene investigation would have been handled much differently if a fellow police officer were not involved. More particularly, those officers failed to follow procedures in an attempt to help a fellow officer amounting to special treatment that would not be afforded to a member of the public.

Decision: The Commission determined that there was sufficient evidence to warrant a hearing into the allegations made by the complainants and directed that a disciplinary hearing into these matters take place before an external hearing officer.

Traffic Ticket Results in Strip Search

A 50 year-old male received a parking infraction notice from two Parking Enforcement Officers (PEOs) while stopped in a "no stopping" zone.

The complainant believed that he should have received a warning first and attempted to communicate that to the PEOs but ended up in a physical altercation. Because English is not the complainant's first language, he indicated that he became confused and frightened.

The complainant was charged with Assault and Assault with Intent to Resist Arrest. He was not released at the scene *"due to his obvious language barrier and to prevent the continuation of the offence."* Once taken to the station he was subjected to a strip search and released on a Promise to Appear. The complainant alleged discrimination in that he was not provided with an interpreter and was subjected to an unnecessary strip search.

Decision: The Commission determined that while the complainant was at the police station, one police officer and one PEO provided satisfactory language services to assist the complainant. The Commission also determined that there was sufficient evidence to warrant a hearing into the strip search allegation and directed a disciplinary hearing into this portion of the complaint.

Illegal Parking of a Police Vehicle In A No Parking/Stopping Zone

The complainant observed a police vehicle parked in a no parking/stopping area. The complainant suggested that the vehicle should have been towed. The allegation is illegal parking in a no parking/stopping zone.

The police service determined that the complainant was not directly affected. The complainant requested a review, but did not make any submissions.

Decision: The Panel upheld the police service decision.

Excessive Use of Force and Incivility

The complainant and his friends had just come out of a bar when they started throwing snowballs at each other. Four to six other people also joined in.

The complainant stated that he was standing with his back to his friend when he heard his name called. Before the complainant could turn around, a police constable allegedly approached and kicked him in the back of both knees. The complainant fell to the ground. The complainant alleges that the officer stood over him, using profanity and accusing him of hitting the police car with a snowball.

The complainant stated that he got up without assistance from the officer. By this time a second marked cruiser had arrived. The complainant and his friend were frisked. The complainant was put into the police car and alleged he was handed a ticket with no explanation. When he asked if he were free to leave, the officer swore at him.

The complainant stated that he had been experiencing tremendous pain in his lower back, right shoulder and left knee as a result of the alleged assault. He also noted the officer was rude and uncivil.

The officer indicated that he approached the complainant and identified himself as police officer when the complainant turned and began walking away. The officer put his hand on the complainant's shoulder. While it was not clear how the complainant went to the ground, the officer stated the complainant had been drinking alcohol and the sidewalk was snow covered and slippery. There was a heated exchange during which the officer used profanity.

The Chief of Police found the complaint was unsubstantiated as there was not sufficient evidence to find that the officer committed any misconduct.

Upon review there was insufficient evidence to support the allegation of assault.

Decision: Unsatisfactory work performance that was not serious. Sent back for informal resolution.

First Nations Policing

The Constitution Act, 1867, assigned responsibility for the administration of justice to the provinces. Constitutionally and legislatively, Ontario is responsible for the delivery of policing services in all parts of the province, including First Nations.

In 1975, the Task Force on Policing lead to the establishment of a tri-partite arrangement for funding the Ontario First Nations Policing Agreement. The Ontario Provincial Police administer the program and provide support. There has been a gradual transfer of administrative responsibility from the OPP to First Nations governing authorities. Some of the functions, which previously had been the exclusive responsibility of the OPP, have become jointly administered; others have been assumed completely by First Nations.

Section 54 of the Police Services Act, states that, "with the Commission's approval, the Commissioner may appoint a First Nations Constable to perform specific duties" and further, "if the specified duties of a First Nations Constable relate to a reserve as defined in the Indian Act (Canada), the appointment also requires the approval of the reserve's governing authority or band council."

First Nations Police are responsible for enforcing provincial and federal laws and band by-laws in First Nations Territories.

Appendix A – Police Service Complaints Activity by Service, 2003

2003 Police Services	Total Officers subject to Part V	TOTAL PUBLIC COMPLAINTS 2002	TOTAL PUBLIC COMPLAINTS 2003 (NEW)	TOTAL PUBLIC COMPLAINTS – CONDUCT	TOTAL PUBLIC COMPLAINTS – SERVICE	TOTAL PUBLIC COMPLAINTS – POLICY	PUBLIC COMPLAINTS CARRIED FROM PREVIOUS YR /2002	ALLEGATIONS - Incivility	ALLEGATIONS - Neglect of Duty	ALLEGATIONS - Discreditable Conduct	ALLEGATIONS - Excessive Use of Force	ALLEGATIONS - Exercise of Authority	ALLEGATIONS - Unsatisfactory Work Performance	ALLEGATIONS - Other	NOT DEALT WITH (Section 59)	RESOLUTION - Informal (Conduct)	WITHDRAWN	UNSUBSTANTIATED	INFORMAL DISCIPLINE	HEARING	LOST JURISDICTION	OUTSTANDING INVESTIGATIONS (December 2003)
Amherstburg	30	4	7	7	0	0	0	2	1	0	2	2	0	0	0	1	1	4	0	0	0	1
Atikokan	11	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aylmer	13	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Barrie	163	34	45	43	2	0	0	17	13	13	8	1	0	0	7	13	8	8	3	0	0	3
Belleville	81	26	18	18	0	0	1	2	0	2	5	5	4	0	5	1	4	5	0	0	2	1
Brantford	137	8	20	19	1	0	1	2	2	2	3	6	4	2	5	0	3	8	2	1	0	2
Brockville	42	10	3	0	0	0	0	0	0	0	0	2	0	1	0	0	0	3	0	0	0	0
Carleton Place - OPP	14	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Chatham Kent	159	25	14	9	4	1	1	2	1	0	2	2	0	7	2	2	0	10	0	0	0	0
Cobourg	35	2	6	6	0	0	0	5	1	0	0	0	0	0	0	0	0	5	1	0	0	0
Cornwall	79	18	14	14	0	0	1	3	1	2	3	3	2	0	0	5	3	6	5	0	0	1
Deep River	8	2	1	1	1	0	0	0	1	0	0	1	0	0	1	0	0	0	0	0	0	0
Dryden	17	2	3	3	0	0	0	1	0	1	1	0	0	0	0	1	0	1	1	0	0	0
Durham Regional	843	119	103	97	3	3	0	0	14	63	26	14	0	8	15	14	31	11	1	2	0	17

2003 Police Services	Total Officers subject to Part V	TOTAL PUBLIC COMPLAINTS 2002	TOTAL PUBLIC COMPLAINTS 2003 (NEW)	TOTAL PUBLIC COMPLAINTS -- CONDUCT	TOTAL PUBLIC COMPLAINTS -- SERVICE	TOTAL PUBLIC COMPLAINTS -- POLICY	PUBLIC COMPLAINTS CARRIED FROM PREVIOUS YR /2002	ALLEGATIONS - Incivility	ALLEGATIONS - Neglect of Duty	ALLEGATIONS - Discreditable Conduct	ALLEGATIONS - Excessive Use of Force	ALLEGATIONS - Exercise of Authority	ALLEGATIONS - Unsatisfactory Work Performance	ALLEGATIONS - Other	NOT DEALT WITH (Section 59)	RESOLUTION - Informal (Conduct)	WITHDRAWN	UNSUBSTANTIATED	INFORMAL DISCIPLINE	HEARING	LOST JURISDICTION	OUTSTANDING INVESTIGATIONS (December 2003)
Espanola	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Essex	28	5	2	2	0	0	1	0	2	0	1	0	0	0	1	0	0	2	0	0	0	0
Gananoque	14	6	1	1	0	0	0	6	0	1	0	0	0	0	0	0	0	1	0	0	0	0
Guelph	165	9	0	13	2	0	1	0	0	0	0	0	0	0	3	1	6	3	1	1	0	1
Halton Regional	521	78	70	69	0	1	0	0	1	60	8	0	0	0	18	7	14	23	4	2	0	9
Hamilton	739	98	127	115	12	0	0	24	15	8	31	11	0	26	35	17	19	65	3	0	0	11
Kenora	33	5	5	5	0	0	0	5	0	0	0	0	0	0	3	0	1	0	0	0	0	1
Kingston	167	21	25	24	0	1	10	0	7	14	3	0	0	0	4	2	0	10	0	2	0	6
LaSalle	31	3	5	5	0	0	0	0	0	1	0	3	1	0	0	1	1	2	1	0	0	0
Leamington	39	2	11	11	0	0	1	6	0	1	2	0	0	3	5	3	0	0	1	0	0	3
City of Kawartha Lakes (formerly Lindsay)	35	0	5	5	0	0	0	1	1	1	2	0	0	0	1	1	0	3	0	0	0	0
London	493	82	62	55	4	3	0	15	7	4	10	6	2	18	5	0	4	38	10	0	1	4
Michipicoten Township	9	0	2	1	0	1	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Midland	25	7	5	5	0	0	3	1	0	0	3	0	1	0	1	1	2	0	0	0	1	2
Niagara Regional	631	92	89	82	5	2	19	12	15	16	19	10	4	6	19	8	6	47	8	3	0	15
North Bay	86	11	23	23	0	0	2	4	7	0	6	5	0	1	2	0	3	15	2	0	0	3
Ontario Provincial Police **	5478	489	545	510	28	7	163	149	385	136	103	117	2	11	99	52	219	448	17	16	1	68
Orangeville	34	6	13	11	2	0	0	0	3	4	4	2	0	2	3	0	1	7	0	2	0	1
Ottawa-Carleton	1088	275	219	214	5	0	47	0	15	163	36	0	0	0	24	3	64	61	1	0	0	61
Owen Sound	42	3	3	3	0	0	0	0	0	3	0	0	0	0	1	0	1	1	0	0	0	0

2003 Police Services	Total Officers subject to Part V	TOTAL PUBLIC COMPLAINTS 2002	TOTAL PUBLIC COMPLAINTS 2003 (NEW)	TOTAL PUBLIC COMPLAINTS -- CONDUCT	TOTAL PUBLIC COMPLAINTS -- SERVICE	TOTAL PUBLIC COMPLAINTS -- POLICY	PUBLIC COMPLAINTS CARRIED FROM PREVIOUS YR /2002	ALLEGATIONS - Incivility	ALLEGATIONS - Neglect of Duty	ALLEGATIONS - Discreditable Conduct	ALLEGATIONS - Excessive Use of Force	ALLEGATIONS - Exercise of Authority	ALLEGATIONS - Unsatisfactory Work Performance	ALLEGATIONS - Other	NOT DEALT WITH (Section 59)	RESOLUTION - Informal (Conduct)	WITHDRAWN	UNSUBSTANTIATED	INFORMAL DISCIPLINE	HEARING	LOST JURISDICTION	OUTSTANDING INVESTIGATIONS (December 2003)
Oxford Community	79	6	11	11	0	0	1	1	1	2	0	4	2	1	0	6	3	1	0	0	0	1
Peel Regional	1423	190	219	219	6	1	34	73	11	91	35	71	40	45	26	86	20	23	2	12	1	61
Pembroke	28	1	2	2	0	0	0	2	0	0	0	0	0	0	0	0	0	2	0	0	0	0
Perth	14	0	3	2	1	0	0	0	0	0	1	1	0	0	0	1	0	1	0	0	0	0
Peterborough Lakefield	117	18	30	29	0	1	2	0	18	7	4	0	0	1	8	2	6	2	8	1	0	3
Port Hope	25	5	2	2	0	0	0	0	0	0	0	2	0	0	0	2	0	0	0	0	0	0
Prescott	11	1	1	1	0	1	0	0	0	1	0	1	0	1	0	0	1	1	0	0	0	0
Quinte West	59	14	25	23	1	1	0	0	5	16	0	4	0	0	2	0	6	15	2	0	0	0
Sarnia	111	18	20	16	4	0	6	4	1	0	3	2	0	10	1	4	7	10	0	0	0	4
Sault Ste. Marie	130	20	17	17	0	0	0	0	4	1	7	3	0	2	1	0	0	14	0	0	0	2
Saugeen Shores	19	2	2	2	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	2
Shelburne	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Smiths Falls	22	3	4	4	0	0	1	2	1	0	0	1	0	0	0	0	2	2	0	0	0	1
South Simcoe	69	7	5	5	0	0	1	0	0	2	3	1	0	0	1	1	2	2	0	0	0	0
St. Thomas	59	9	6	6	0	0	1	0	0	0	3	3	0	0	1	0	1	4	0	0	0	0
Stirling Rawdon	7	0	2	2	0	0	0	0	0	1	1	0	0	0	0	0	0	2	0	0	0	0
Stratford	50	3	7	7	0	0	0	1	1	0	3	0	2	0	1	0	1	3	1	0	0	1
Strathroy Carodoc	30	2	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Sudbury Regional	241	30	45	45	0	0	8	9	9	12	10	5	0	0	8	2	11	18	0	1	0	5
Temiskaming Shores (formerly New Liskeard)	10	0	2	2	0	0	0	0	0	2	0	0	0	0	0	0	1	0	0	0	0	1

2003 Police Services	Total Officers subject to Part V	TOTAL PUBLIC COMPLAINTS 2002	TOTAL PUBLIC COMPLAINTS 2003 (NEW)	TOTAL PUBLIC COMPLAINTS — CONDUCT	TOTAL PUBLIC COMPLAINTS — SERVICE	TOTAL PUBLIC COMPLAINTS — POLICY	PUBLIC COMPLAINTS CARRIED FROM PREVIOUS YR /2002	ALLEGATIONS - Incivility	ALLEGATIONS - Neglect of Duty	ALLEGATIONS - Discreditable Conduct	ALLEGATIONS - Excessive Use of Force	ALLEGATIONS - Exercise of Authority	ALLEGATIONS - Unsatisfactory Work Performance	ALLEGATIONS - Other	NOT DEALT WITH (Section 59)	RESOLUTION - Informal (Conduct)	WITHDRAWN	UNSUBSTANTIATED	INFORMAL DISCIPLINE	HEARING	LOST JURISDICTION	OUTSTANDING INVESTIGATIONS (December 2003)
Thunder Bay	213	36	40	40	0	0	0	15	12	0	9	4	0	0	12	1	2	23	1	0	1	0
Timmins	79	17	20	19	1	0	8	2	0	2	11	3	2	0	0	0	6	6	2	1	2	3
Toronto	5223	704	723	717	16	2	139	255	123	272	161	28	0	19	187	83	98	167	5	4	32	160
Waterloo Regional	622	86	45	45	0	0	7	13	24	16	19	5	0	0	20	22	5	29	0	0	0	5
West Grey (formerly Town of Durham)	18	1	5	4	1	0	0	0	1	2	1	0	0	1	0	1	0	3	0	0	0	1
West Nipissing	19	3	3	2	1	0	1	0	0	1	0	1	1	0	0	0	0	3	0	0	0	1
Windsor	434	78	48	43	3	1	1	28	4	4	16	13	2	2	8	35	2	1	1	0	0	1
Wingham	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
York Regional	985	95	112	111	0	1	12	36	22	31	14	8	0	1	19	6	11	43	1	1	0	31
Services disbanded during 2003																						
Elliott Lake		11																				
South Bruce Grey		4																				
* incivility combined with discreditable																						
conduct																						
** excessive use of force combined																						
exercise of authority																						
TOTALS	21412	2826	2845	2747	103	27	474	699	729	958	579	350	69	168	557	385	576	1162	84	49	41	494